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September 23, 2009

BY FEDERAL EXPRESS

Hon. Thomas C. Platt
United States District Court
Eastern District of New York
Long Island Court House
1044 Federal Plaza
Central Islip, NY 11722-9014

Re: Sleepy's, LLC ("Plaintiff") v. Select Comfort Wholesale Corporation, Select
Comfort Retail Corporation, and Select Comfort Corporation (hereinafter referred
to as "Defendants"), 07 CV 4018 (TCP)(ARL)

Dear Judge Platt:

We represent plaintiff Sleepy's LLC in the above captioned action, in which the parties' proposed joint pretrial order was submitted on Thursday, August 20, 2009.

On Wednesday, September 16, 2009, three additional relevant documents not previously discovered came to light as a result of the relocation of Plaintiff's corporate headquarters. The documents have been produced to the Defendants. They were not listed as trial exhibits in the parties' proposed joint pretrial order because they were not available at the time, but we would like to so designate them.

The three documents are recordings of secret shops of Defendants' retail stores conducted by an employee of Plaintiff. We are also creating transcripts of these recordings, and will produce them to Defendants. The recordings are identified as follows:

- Shop report recording by Deborah Zaffron, entitled DW_A0010.wav
- Shop report recording by Deborah Zaffron, entitled DW_A0014.wav
- Shop report recording by Deborah Zaffron, entitled DW_A0005.wav

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We respectfully request that these three newly discovered recordings, along with the accompanying transcripts created by Plaintiff's counsel, be deemed designated as trial exhibits in the parties' proposed joint pretrial order, and we further request that this letter be deemed sufficient to do so.

If the Court prefers some other or further procedure, please advise us.

Respectfully submitted,



George F. du Pont

cc: Andrew S. Hansen, Esq.